

REMARKS

Claims 1-7 are pending in this application. Independent claims 1 and 4 have been amended to clarify the manner in which the air gap is defined (see, for example, page 8, line 33 through page 9, line 3 and FIG. 3 of the specification).

35 U.S.C. §102 Rejections:

The subject matter of claims 1-7 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,024,919 to Nelson et al. (hereinafter "Nelson"). It appears that the latest Office Action equates the "window" (e.g., element 4b) described in Nelson with the air gap (i.e., chamber) of the current claims. In addition, the Office Action equates the reflectance monitor 5 described in Nelson with the "translucent window" of the current claims.

Applicants respectfully note that amended independent claims 1 and 4 each recite that an "a viewing surface" of an "absorbent layer, at least one side wall" and "a surface" of "a translucent window define an air gap" and that that air gap is a "chamber." Although Nelson describes a reflectance monitor 5 that is positioned under a window 4b, it is spaced apart from window 4b and does not serve to define window 4b as a chamber. This interpretation is evident from FIGs. 3A and 3B of Nelson, that clearly show spacing between reflectance monitor 5 and window 4b. Furthermore, the "exploded" view of FIG. 2 in Nelson indicates the "exploded" nature of elements 1, 2, 3 and 4 by the use of broken lines at their corners and/or edges. However, in FIG. 2 of Nelson, element 5 has no such broken lines at its corner and/or edges and is shown as merely being on the centerline of the other elements. Since the reflectance monitor of Nelson is spaced apart from the window, even if it is assumed for the sake of argument that reflectance monitor 5 of Nelson is a translucent window, the reflectance monitor does not have a surface that serves to define an air gap/chamber.

The Office Action points out that Nelson describes how the "window" can comprise a space between two solids and references col. 6, lines 45-49 as support. However, as Nelson is understood, there is no teaching, description or suggestion that either of two such solids is a translucent window.

Serial No. 09/914,684

For at least the foregoing reasons, Applicants submit that independent claims 1 and 4 are neither anticipated by, nor obvious over, Nelson. Since claims 2-3 and 5-7 dependent from and further limit independent claims 1 and 4, respectively, they are allowable for at least the same reasons.

CONCLUSION

Applicants respectfully requests that, in light of the amendments and explanations above, the Examiner reconsider and withdraw his rejections. Applicants respectfully submit that the claims are in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicants invite the Examiner to telephone the undersigned so that issuance can be expedited.

Respectfully submitted,

By: 

Mayumi Maeda
Reg. No. 40,075

Johnson & Johnson
International Patent Law Division
Attention Philip Johnson
P.O. Box 1222
New Brunswick, NJ 08903
(408) 956-4790
Dated: 04-14-2004